

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

DEBBIE L. TREZVANT, TIMOTHY )  
CAHILL, DEBORAH CHERYL ARCH, and )  
MARY-CATHERINE PICHE, each of them )  
individually and on behalf of all others )  
similarly situated and similarly situated )  
current and former employees of Defendants )

Case No. 05-10673-WGY

Plaintiffs )

v. )

FIDELITY EMPLOYER SERVICES )  
CORPORATION and FMR CORP., )  
Defendants )

**JOINT CASE MANAGEMENT PROPOSAL**

Pursuant to LR 16.1(D), the parties submit the following joint case management proposal.

Except where noted otherwise, the parties agree on the proposed schedule set forth below.

**A. DISCOVERY**

1. **Initial Disclosures:** Exchanged no later than December 2, 2005.
2. All **non-expert discovery** completed no later than June 2, 2006.
3. **Expert Discovery:**

Expert disclosures pursuant to Fed.R.Civ.P. 26(a)(2)(A) made no later than August 31, 2006, and expert reports pursuant to Fed.R.Civ.P. 26(a)(2)(B) served no later than September 30, 2006. Expert depositions completed no later than October 31, 2006.

5. **Limitations on Discovery:** PARTIES DISAGREE IN PART

The parties agree that Defendants shall be allowed to take depositions of each named Plaintiff and propound interrogatories, document requests, and requests for admission to named Plaintiffs. The parties are unable to agree regarding Defendants' ability to take discovery from individuals who file consents to join this action as party plaintiffs pursuant to 29 U.S.C. § 216(b) ("opt-in plaintiffs").

Plaintiffs' Proposal: Parties to comply with limitations on discovery established by Federal Rules of Civil Procedure with respect to all discovery propounded by all parties. Depositions of opt-ins allowed only in unusual circumstances, and upon noticed motion. Written discovery to opt-ins forbidden. Plaintiffs do not agree that the opt-in forms to accompany notices to members of the conditionally certified class contain the requests for information proposed by Defendants below.

Defendants' Proposals: Defendants will be allowed to take depositions of each opt-in plaintiff. Defendants will also be allowed to propound document requests and requests for admission to each opt-in plaintiff. Defendants have requested that the opt-in form to accompany notices to members of the conditionally certified class contain requests for information to be signed under the pains and penalties of perjury. If the opt-in form actually issued to members of the conditionally certified class does not require opt-in plaintiffs to provide, under oath, the information Defendants have requested, Defendants will be allowed to propound limited interrogatories to each opt-in plaintiff.

**B. MOTION SCHEDULE**

1. **Motions To Amend Pleadings And/Or Join Parties:** PARTIES DISAGREE:

Plaintiffs' Proposal: All motions to amend pleadings and/or join parties filed no later than March 15, 2006.

Defendants' Proposal: All motions to amend pleadings and/or join parties pursuant to Fed.R.Civ.P. 20(a) filed no later than December 31, 2005.

2. **Dispositive Motions:** All dispositive motions filed no later than August 31, 2006.

Oppositions to dispositive motions shall be filed within 21 days after such motions are filed. The parties further agree that replies (if any) shall be filed within 14 days after such oppositions are filed.

3. **Motions for Class Certification Pursuant to Fed.R.Civ.P. 23:** PARTIES

DISAGREE IN PART

The parties agree that oppositions to motions for class certification pursuant to Fed.R.Civ.P. 23 shall be filed within 21 days after such motions are filed. Replies (if any) shall be filed within 14 days after such oppositions are filed. The parties are unable to agree regarding the date by which motions for class certification shall be filed.

Plaintiffs' Proposal: All motions for class certification pursuant to Fed.R.Civ.P. 23 shall be filed no later than July 14, 2006, the same date that motions for decertification are due.

Defendants' Proposal: All motions for class certification pursuant Fed.R.Civ.P. 23 shall be filed no later than February 24, 2006.

4. **Motions Regarding Class Decertification:**

Motions to decertify any classes certified pursuant to Fed.R.Civ.P. 23 or 29 U.S.C. § 216(b) shall be filed no later than July 14, 2006. Oppositions to motions to decertify class(es) shall be filed within 21 days after such motions are filed. Replies (if any) shall be filed within 14 days after such oppositions are filed.

C. **TRIAL BY MAGISTRATE JUDGE**

At this time, the parties are not able to consent to trial before a Magistrate Judge.

**D. CERTIFICATIONS SIGNED BY COUNSEL AND CLIENT**

Certifications pursuant to LR 16.1(D)(3) will be filed separately with the Court.

THE PLAINTIFFS,  
By their attorneys,

/s/ Ira Spiro

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Dated: November 9, 2005